

REMARKS

Status of the Claims

Claims 1 and 8 – Amended

Claims 3 and 10 - Previously Presented

Original – 4-7, 11-14

Canceled 2, 9, and 15-20

Allowable Subject Matter

On April 6, 2009 at 1:00 PM, Applicant's representative participated in a telephone interview with Patent Examiner Haider and Supervisory Patent Examiner Zeender to discuss the present application. As a result of the telephone interview, agreement was reached regarding the claims as presented in Applicant's response filed March 27, 2009. The same claims are presented in this RCE and claims 15-20 which previously were withdrawn have been canceled. Examiner Haider's telephone interview summary dated April 8, 2009 indicates that agreement regarding the claims was reached. Applicant respectfully submits the present application is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowability and Notice of Allowance and Issue Fees Due PTOL-85.

Claim Rejections under 35 USC § 112

Claims 1 and 8 have been rejected under 35 UCS § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner notes that the

term “adequate” is a relative term not defined by the claims and that the term “meet” is not defined by the claims and does not provide a standard for ascertaining the requisite degree. Applicant has amended claims 1 and 8 to indicate that container allocation according to the claimed invention occurs in response to a manufacturer’s demand for parts. Applicant respectfully submits that the claims as amended overcome the Examiner’s rejection.

Claim Rejections under 35 USC § 103

The Examiner has rejected claims 1, 3-8, and 10-14 under 35 USC § 103(a) as being unpatentable over Kawamura (2002/0069141), Beal (6,634,506), Okamura (2002/161878), and Navani (2002/0069210). Applicant has argued previously that the prior art references do not provide the suggested teachings and that alone or combined, the prior art references teach container quantity threshold values or container quantities determined by the party that will use the containers to ship parts or products. In the present invention, it is the manufacturer that determines an allocation of containers for each supplier based on the manufacturer’s demand for parts from the supplier as indicated in a production schedule. The manufacturer can then maintain an inventory of returnable containers that is sufficient, but is not larger than necessary, to facilitate delivery of supplies as dictated by the production schedule. Applicant respectfully traverses the rejections.

Applicant has previously argued that Kawamura teaches maintaining a “desired” level of containers but does not explain how the number is calculated. The number is not related in any way to a manufacturer’s demand for parts according to a product

schedule and there is nothing in Kawamura to suggest the “desired” level ever varies. Applicant previously provided a detailed analysis of the teachings in the Kawamura reference and maintains that Kawamura does not teach the claimed feature of calculating a container allocation quantity according to a parts demand value determined by a production schedule and a container allocated days number.

The container allocated days number comprises a number of days a container remains in a supplier’s on-hand container inventory in response to a manufacturer’s demand for parts over a specified period of time. An additional claim limitation indicates that it is the manufacturer—not the supplier—that calculates the container allocated days number. The Examiner relies on Okamura to teach a container allocated days number for each supplier where the container allocated days number comprises a number of days a container remains in a supplier’s on-hand container inventory in response to a manufacturer’s demand for parts over a specified period of time. In particular, the Examiner relies on Figures 10-13. The figures show information that is stored in an IC card for a returnable container and includes information about the products in the container as well as the container itself. Although the Examiner is not specific about the information in Figures 10-13 that is alleged to teach a container allocated days number related to a manufacturer’s demand for parts and determined by a manufacturer, it appears that information in Figure 10 relating to a service start date and last date of use has been construed to be a “container allocated days.” Although Okamura teaches a period of use for a container, the period of use is not related to a manufacturer’s demand for parts nor is it determined by a manufacturer. Okamura teaches in Para. [0068] that the member company referenced in Figure 10 is a

producer and that the containers are rented to the producer. Para. [0042] states that a producer places an order for returnable containers and that the producer specifies in the order a quantity and a period of use for the containers.

Applicant respectfully submits that what Okamura teaches is a producer (i.e., supplier) of products determining how many containers he wants and for how long. Applicant respectfully submits that Okamura cannot be construed to teach a container allocated days number for each supplier where the container allocated days number comprises a number of days a container remains in a supplier's on-hand container inventory in response to a manufacturer's demand for parts over a specified period of time. There is no teaching or suggestion that the period of use in Okamura has any correlation at all to a manufacturer's demand for parts from the producer or that the manufacturer determines the period of use for the producer.

Applicant respectfully submits that because Okamura does not teach aspects of the invention related to a container allocated days number for each supplier where the container allocated days number comprises a number of days a container remains in a supplier's on-hand container inventory in response to a manufacturer's demand for parts over a specified period of time, it cannot support rejection of the claims. Okamura teaches away from the present invention by teaching that a supplier determines how many containers to order and how long they will be in use. The supplier in Okamura has the ability to order a quantity of containers that far exceeds the manufacturer's demand for parts and to keep them for a period of time that exceeds the manufacturer's need for parts from the supplier.

With regard to the claim limitations of determining a process flow of containers for each supplier and calculating a parts demand value for each supplier according to a production schedule wherein the manufacturer determines the parts demand value, the Examiner relies on Navani. Applicant respectfully submits the reference does not provide the teachings asserted by the Examiner. Navani teaches vessel selection and optimization. Para. [0190] teaches determining a work flow involving supply chain points but does not teach or even suggest determining a process flow for containers. Paras. [0135], [0143], [0144], [0153], and [0174] relate to determining consumer demand for various petroleum products and modifying production based on consumer demand for the products. In particular, the reference teaches how to find suppliers to meet production needs based on consumer demand which may fluctuate seasonally. The references does not teach or even suggest that a manufacturer has a production schedule that is used to order specific parts from suppliers or that the manufacturer determines a parts demand value for the supplier according to the production schedule. Applicant respectfully submits the reference does not provide the asserted teachings and therefore, cannot be combined with the other references to reject the claims.

Applicant respectfully submits that none of the references—Kawamura, Okamura, Navani, or Beal—provide the teachings asserted by the Examiner. Therefore, the references cannot be combined to render the claimed invention obvious.

Conclusion

The claimed invention is directed to minimizing a container inventory by efficiently allocating them among suppliers according to a manufacturer's production

needs. It is not directed to maintaining container inventories at predetermined levels or according to suppliers ordering as many containers as they want for how long they want as taught by the prior art. Applicant respectfully submits the present application is in condition for allowance, and such action is earnestly requested.

Dated: July 28, 2009

By: /Carol G. Stovsky/
Carol G. Stovsky, Reg. No. 42,171
Attorney for Applicant
Standley Law Group LLP
6300 Riverside Dr.
Dublin, Ohio 43017-5319
Tel.: 614-792-5555
Fax: 614-792-5536